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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,872

07/10/2003

Rickey J. Thomas

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EXAMINER

ALIE, GHASSEM

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,872	THOMAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ghassem Alie	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,4,6 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 4, 6, and 23-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is a response to the After Final Amendment filed on 09/12/07 in which claims 3, 4, 6, 23-29 are pending. Claims 26-29 are newly added claims. Claim 23 is the only independent claim, which was amended in the Amendment After Non-Final Rejection filed on 03/07/07. It was indicated in the Final Action mailed on 07/17/07 that claim 23 as amended in the Amendment After Non-Final Rejection is allowable. However, after further consideration, it is noted that claim 23 does not read over Davey (2,017,895) with a different interpretation of Davey necessitated by that amendment filed 03/07/07. Therefore, claim 23 once again is rejected as anticipated by Davey (see below) but with a different interpretation. This Office Action is made final, since applicant has received an action with respect to claim 23 before it was amended on 03/07/07. Furthermore, a new ground of rejection, which is also necessitated by the amendment filed on 03/07/07, is applied as set forth below. Any additional inconvenience to the applicant is regrettable.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

a person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

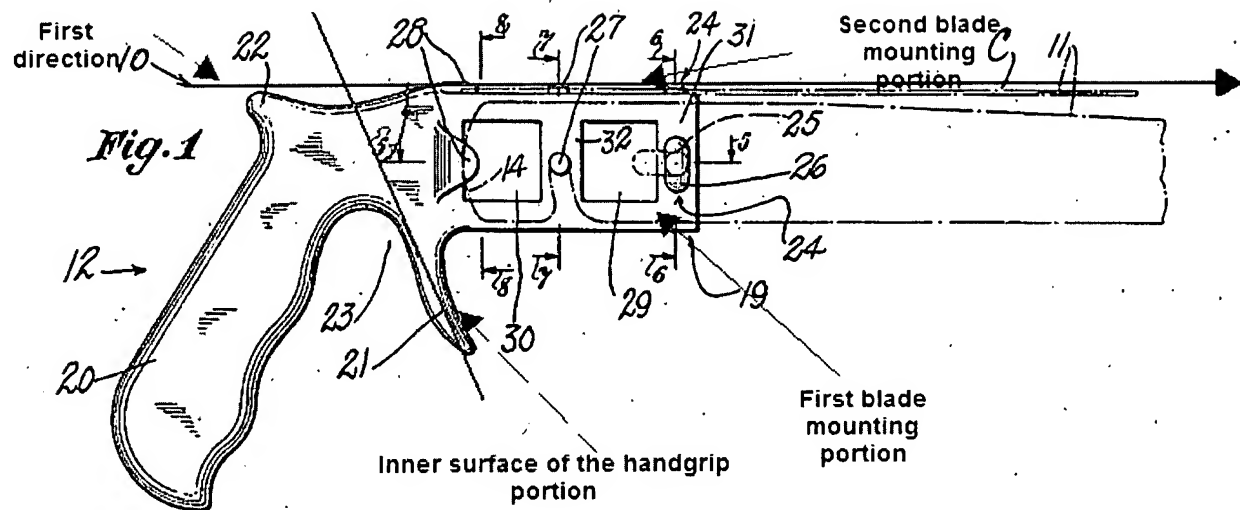
3. Claim 3, 6, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Davey (2,017,895). Regarding claim 23, Davey teaches a hand saw 10 including a handle 12 having a handgrip portion 21 defining an inner surface 21A. It should be noted that handle 12 includes two portions 20, 21 that could be gripped by a user's hand. In this case, the second

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portion 21 of the handle 12 is considered to be a handgrip portion, since it is gripped by a user's hand. Davey also teaches that the saw includes first and second blade mounting portions 24, 27. It should be noted that the T-headed stud 24 and the pin 27 at A or B defines the first mounting portion. The second mounting portion is defined by the T-headed stud 24 and the pin 27 at C. Davey also teaches that the first mounting portion being disposed on a side surface of the handle 12 and the second blade mounting portion being on a bottom surface of the handle 12. Davey also teaches a blade A-C removably mounted to one of the first and second blade mounting portions and extending away from the handle 12 in a first direction. Davey also teaches that the handgrip portion is sloped toward the blade so as to be oriented at an acute angle relative to the second blade mounting portion. It should be noted that the inner surface of the handgrip portion 21 is sloped toward the blade as the inner surface of the handgrip portion in the instant application. Davey also teaches that the first and second blade mounting portions each include a key 27 adapted to be received in and end slot in the blade.

Regarding claims 3 and 6, Davey teaches everything noted above including that the handle 12 is a single integrally formed member. Davey also teaches that the handle include a hook member for hanging the handsaw. It should be noted that the curved area between the two grip portions 20 and 21 of the handle is considered to be a hook portion that could be used for hanging the hand saw.

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4. Claim 3, 6, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Suhre (2,559,686). Regarding claim 23, Suhre teaches a hand saw including a handle 10 having a handgrip portion 12 defining an inner surface. Suhre also teaches that the saw includes first and second blade mounting portions 50, 48. Shure also teaches that the first mounting portion 50 being disposed on a side surface of the handle 10 and the second blade mounting portion 48 being on a bottom surface of the handle 10. Suhre also teaches a blade 56 removably mounted to one of the first and second blade mounting portions and extending away from the handle 10 in a first direction. Suhre also teaches that the handgrip portion 12 is sloped toward the blade so as to be oriented at an acute angle relative to the second blade mounting portion. It should be noted that the inner surface of the handgrip portion 12 is sloped toward the blade and it is oriented as approximately 50-60 degrees angle relative to the second mounting portion 48. See Figs. 6-7 in Suhre.

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Regarding claims 3 and 6, Suhre teaches everything noted above including that the handle is a single integrally formed member. Suhre also teaches that the handle include a hook member for hanging the handsaw.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

6. Claims 4 and 54-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davey in view of Applicant's Admitted Prior Art, hereinafter AAPA. Regarding claims 24 and 26, Davey teaches everything noted above including that the blade A-C is secured relative to the handle 12 in each of lengthwise direction of the blade and a widthwise direction of the blade. It should be noted that the key 27 and pin prevent the blade from movements in both lengthwise and widthwise directions. Davey does not explicitly teach that the blade mounting portions each include a mounting screw which inherently prevent the movement of the blade in lengthwise, widthwise and depthwise directions. However, in a prior Office action, Official Notice was taken that it is old and well known in the art to use a screw boss while attaching two parts in order to guide a fastener. Applicant failed to traverse the merits of this rejection, son the common knowledge is taken to be admitted prior art. Therefore, it would have been obvious to a person of ordinary skill in art to provide a boss screw with the Davey's saw for the purpose of guiding the fastener. In addition, it would

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have been obvious to a person of ordinary skill in art to use an alternative fastener, such as a screw, with the Davey's device since such fasteners are known equivalents.

Regarding claim 4, Davey, as modified above, also teaches that the blade mounting screw is removably engaged with screw boss of the one of said first and second blade mounting portions so as to couple the blade to the handle 12.

Regarding claim 25, Davey also teaches that the handle include a hook member for hanging the handsaw. It should be noted that the curved area between the two grip portions 20 and 21 of the handle is considered to be a hook portion that could be used for hanging the hand saw.

Regarding claims 27-28, Davey, as modified above, teaches everything noted above including that the first and second blade mounting portions inherently include a threaded hole for receiving the fastener or the mounting screw.

Regarding claim 29, Davey also teaches that the handle include a hook member for hanging the handsaw. It should be noted that the curved area between the two grip portions 20 and 21 of the handle is considered to be a hook portion that could be used for hanging the hand saw.

### ***Response to Amendment***

7. Applicant's arguments filed on 05/11/07 have been considered but they are not persuasive. Applicant's argument that Davey fails to teach that the angle of the inner surface of the handgrip relative to the second blade mounting portion is an acute angle is not persuasive. As stated above, Davey teaches that the handgrip portion is sloped toward the blade so as to be oriented at an acute angle relative to the second blade mounting portion. It

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should be noted that the inner surface of the handgrip portion 21 is sloped toward the blade as the inner surface of the handgrip portion in the instant application. See Fig. 1 above.

Regarding the figure provided by the Examiner to illustrate the first direction and the acute angle between the inner surface of the hand grip and the first direction in the Office action mailed on 03/07/07, applicant asserted that Examiner fails to place the blade at the corrected location as depicted in the Davey patent. See page 3, second paragraph in applicant remarks filed on 05/11/07. However, claim 23 before it was amended recited, "a blade removably mounted to one of the first and second blade mounting portions and extending in a first direction away from the handle, wherein said inner surface of said handle grip portion is sloped toward said blade so as to be oriented at an acute angle relative to said first direction." Claim 23 does not specify the start point of "a first direction," Claim 23 merely recites that the blade extends from the mounting portions away from the handle. In this case, as illustrated in the figure in the Office action mailed on 03/07/07, the first direction start point could be considered as the point located near to the inner portion of the hand grip 20. Therefore, the inner surface of the handgrip portion is sloped toward the blade so as to be oriented at an acute angle relative to the first direction. It should be noted that since "a first direction" was not clearly defined in the previous claim 23, applicant has amended claim 23 on 05/11/07 to redefine the acute angle as an angle between the inner surface of the handgrip portion and the second blade mounting portion. However, as stated above, claim 23 as amended is rejected as anticipated by Davey with a different interpretation, and a new ground of rejection that is necessitated by the amendment of claim 23.



*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571)272-45014501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571)272-45024502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-83008300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ghassem Alie  
Patent Examiner  
Art Unit 3724

GA/ga

October 27, 2007

A handwritten signature in cursive script that reads "Ghassem Alie".